

**Page Denied**

WCM011A

HLC

[DISCUSSION DRAFT]  
August 13, 1987

100TH CONGRESS  
1ST SESSION

H. R. \_\_\_\_\_

IN THE HOUSE OF REPRESENTATIVES

Mr. BERMAN (for himself and Mr. Fascell) introduced the following bill; which was referred to the Committee on  
\_\_\_\_\_

A BILL

To prohibit exports of military equipment to countries supporting international terrorism, and for other purposes.

1       *Be it enacted by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*

WCM011A

2

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the ``Antiterrorism and Arms  
3 Export Amendments Act of 1987``.

4 SEC. 2. PROHIBITION ON ARMS TRANSACTIONS WITH COUNTRIES  
5 SUPPORTING TERRORISM.

6 (a) PROHIBITION.--Section 40 of the Arms Export Control  
7 Act (22 U.S.C. 2780) is amended to read as follows:

8 ``SEC. 40. TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF  
9 INTERNATIONAL TERRORISM.

10 `` (a) PROHIBITED TRANSACTIONS.--

11 `` (1) UNITED STATES GOVERNMENT.--The following  
12 transactions by the United States Government are  
13 prohibited with respect to any country described in  
14 subsection (b):

15 `` (A) Exporting or otherwise providing (by sale,  
16 lease or loan, grant, or other means), directly or  
17 indirectly, any munitions item to such country under  
18 the authority of this Act, the Foreign Assistance Act  
19 of 1961, or any other law. In implementing this  
20 subparagraph, the United States Government shall  
21 suspend delivery to such country of any such item  
22 pursuant to any such transaction which has not been  
23 completed at the time the Secretary of State makes  
24 the determination described in subsection (b), and  
25 shall terminate any lease or loan to such country of

WCM011A

3

1           any such item which is in effect at the time the  
2           Secretary of State made that determination.

3           ``(B) Providing credits, guarantees, or other  
4           financial assistance under the authority of this Act,  
5           the Foreign Assistance Act of 1961, or any other law,  
6           with respect to the acquisition of any munitions item  
7           by such country. In implementing this subparagraph,  
8           the United States Government shall suspend  
9           expenditures pursuant to any such assistance  
10          obligated before the Secretary of State made the  
11          determination described in subsection (b).

12          ``(C) Consenting under section 3(a) of this Act,  
13          under section 505(a) of the Foreign Assistance Act of  
14          1961, under the regulations issued to carry out  
15          section 38 of this Act, or under any other law, to  
16          any transfer of any munitions item to such country.  
17          In implementing this subparagraph, the United States  
18          Government shall withdraw any such consent which is  
19          in effect at the time the Secretary of State makes  
20          the determination described in subsection (b).

21          ``(D) Providing any license or other approval  
22          under section 38 of this Act for any export or other  
23          transfer (including by means of a technical  
24          assistance agreement, manufacturing licensing  
25          agreement, or coproduction agreement) of any

WCM011A

4

1           munitions item to such country. In implementing this  
2           subparagraph, the United States Government shall  
3           suspend any such license or other approval which is  
4           in effect at the time the Secretary of State makes  
5           the determination described in subsection (b).

6           ``(E) Otherwise participating directly or  
7           indirectly in, or take any action to facilitate, the  
8           acquisition of any munitions item by such country.  
9           This subparagraph applies with respect to activities  
10          of any department, agency, or other instrumentality  
11          of the Government, any officer or employee of the  
12          Government (including members of the United States  
13          Armed Forces), and any person acting at the request  
14          or on behalf of the Government.

15          ``(2) UNITED STATES PERSONS.--A United States person  
16          may not intentionally--

17                ``(A) export or otherwise provide directly or  
18                indirectly (by sale, lease or loan, grant, or any  
19                other means) any munitions item to any country  
20                described in subsection (b) or to any person or  
21                entity which that United States person has reason to  
22                believe will provide such item to any such country;  
23                or

24                ``(B) otherwise participate directly or  
25                indirectly in, or take any action to facilitate, the

WCM011A

5

1           acquisition of any munitions item by any country  
2           described in subsection (b) or by any person or  
3           entity which that United States person has reason to  
4           believe will provide such item to any such country.

5           This paragraph applies with respect to actions taken by a  
6           United States person either within or outside the United  
7           States.

8           ``(b) COUNTRIES COVERED BY PROHIBITION.--The prohibitions  
9           contained in subsection (a) apply with respect to any country  
10          whose government the Secretary of State determines--

11           ``(1) grants sanctuary from prosecution to any  
12          individual or group which has committed an act of  
13          international terrorism; or

14           ``(2) has repeatedly provided support for acts of  
15          international terrorism.

16          ``(c) PUBLICATION OF DETERMINATIONS.--Each determination  
17          of the Secretary of State under subsection (b) shall be  
18          published in the Federal Register.

19          ``(d) RESCISSION.--A determination made by the Secretary  
20          of State under subsection (b) may not be rescinded unless the  
21          President, at least 90 days before the proposed rescission  
22          would take effect, submits to the Speaker of the House of  
23          Representatives and the chairman of the Committee on Foreign  
24          Relations of the Senate a report justifying the rescission  
25          and certifying that--

WCM011A

6

1           ``(1) the government concerned has not provided any  
2       support for international terrorism, including support or  
3       sanctuary for any major terrorist or terrorist group,  
4       during the preceding 6-month period; and

5           ``(2) the government concerned has provided  
6       assurances that it will not support acts of international  
7       terrorism in the future.

8       ``(e) WAIVER.--The President may waive the prohibition  
9       contained in subsection (a) with respect to a specific  
10      transaction if--

11           ``(1) the President determines that the transaction  
12      is vital to the national security interests of the United  
13      States; and

14           ``(2) not less than 15 days prior to the proposed  
15      transaction, the President--

16           ``(A) consults with the Committee on Foreign  
17      Affairs of the House of Representatives and the  
18      Committee on Foreign Relations of the Senate; and

19           ``(B) submits to the Speaker of the House of  
20      Representatives and the chairman of the Committee on  
21      Foreign Relations of the Senate a report containing--

22           ``(i) the name of any country involved in the  
23      proposed transaction, the identity of any  
24      recipient of the items to be provided pursuant to  
25      the proposed transaction, and the anticipated use

WCM011A

7

1 of those items;

2       ``(ii) a description of the munitions items  
3 involved in the proposed transaction (including  
4 their market value) and the actual sale price at  
5 each step in the transaction (or if the items are  
6 transferred by other than sale, the manner in  
7 which they will be provided);

8       ``(iii) the reasons why the proposed  
9 transaction is vital to the national security  
10 interests of the United States and the  
11 justification for such proposed transaction;

12       ``(iv) the date on which the proposed  
13 transaction is expected to occur; and

14       ``(v) the name of every United States  
15 Government department, agency, or other entity  
16 involved in the proposed transaction, every  
17 foreign government involved in the proposed  
18 transaction, and every private party with  
19 significant participation in the proposed  
20 transaction.

21 To the extent possible, the information specified in  
22 subparagraph (B) of paragraph (2) shall be provided in  
23 unclassified form, with any classified information provided  
24 in an addendum to the report.

25       ``(f) EXEMPTION FOR CERTAIN REPORTED ACTIVITIES.--The



WCM011A

8

1 prohibitions contained in subsection (a) do not apply with  
2 respect to a transfer for which notification is given in  
3 accordance with section 36(e) of this Act.

4     “(g) RELATION TO OTHER LAWS.--The provisions of this  
5 section shall apply notwithstanding section 614(a) of the  
6 Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)) or any  
7 other provision of law.

8     “(h) CRIMINAL PENALTY.--Any person who willfully  
9 violates this section shall be fined for each violation not  
10 more than \$1,000,000, imprisoned not more than 10 years, or  
11 both.

12     “(i) CIVIL PENALTIES; ENFORCEMENT.--In the enforcement  
13 of this section, the President is authorized to exercise the  
14 same powers concerning violations and enforcement which are  
15 conferred upon departments, agencies, and officials by  
16 sections 11(c), 11(e), 11(g), and 12(a) of the Export  
17 Administration Act of 1979 (subject to the same terms and  
18 conditions as are applicable to such powers under that Act),  
19 except that, notwithstanding section 11(c) of that Act, the  
20 civil penalty for each violation of this section may not  
21 exceed \$500,000.

22     “(j) DEFINITIONS.--As used in this section--

23         “(1) the term ‘munitions item’ means any item which,  
24 if imported into or exported from the United States,  
25 would be on the United States Munitions List; and

WCM011A

9

1           “(2) the term ‘United States person’ means any  
2       United States resident or national (other than an  
3       individual resident outside the United States and  
4       employed by other than a United States person), any  
5       domestic concern (including any permanent domestic  
6       establishment of any foreign concern) and any foreign  
7       subsidiary or affiliate (including any permanent foreign  
8       establishment) of any domestic concern which is  
9       controlled in fact by such domestic concern, as  
10      determined under regulations of the President.”.

11 (b) CONFORMING AMENDMENT.--Section 3(f) of the Arms  
12 Export Control Act (22 U.S.C. 2753(f)) is repealed.

13 SEC. 3. CONSIDERATIONS IN ISSUANCE OF ARMS EXPORT LICENSES  
14 AND IN ARMS SALES.

15 (a) EXPORT LICENSES.--Section 38(a)(2) of the Arms Export  
16 Control Act (22 U.S.C. 2778) is amended by inserting  
17 ``support international terrorism,`` after ``arms race,``.

18 (b) ARMS SALES.--Section 36(b)(1)(D) of that Act (22  
19 U.S.C. 2776(b)(1)(D)) is amended--

20 (1) by redesignating clauses (ii) through (iv) as  
21 clauses (iii) through (v), respectively; and

22 (2) by inserting the following new clause (ii) after  
23 clause (i):

24            `` (ii) support international terrorism; ``.

25 SEC. 4. EXPORTS TO COUNTRIES SUPPORTING TERRORISM.

WCM011A

10

1       Section 6(j) of the Export Administration Act of 1979 (50  
2 U.S.C. App 2405(j)) is amended to read as follows:

3       ``(j)(1) A validated license shall be required for the  
4 export of goods or technology to a country if the Secretary  
5 of State has made the following determinations:

6           ``(A) The government of such country grants sanctuary  
7 from prosecution to any individual or group which has  
8 committed an act of international terrorism, or the  
9 government of such country has repeatedly provided  
10 support for acts of international terrorism.

11          ``(B) The export of such goods or technology would  
12 contribute to the military potential of such country,  
13 would be destined to a military end-user or for military  
14 end-use in such country, or would enhance the ability of  
15 such country to support acts of international terrorism.

16       ``(2) Applications for any validated license required  
17 under paragraph (1) shall be generally denied by the  
18 Secretary.

19       ``(3) The Secretary and the Secretary of State shall  
20 notify the Committee on Foreign Affairs of the House of  
21 Representatives and the Committee on Banking, Housing, and  
22 Urban Affairs and the Committee on Foreign Relations of the  
23 Senate at least 30 days before issuing any validated license  
24 required by paragraph (1).

25       ``(4) Each determination of the Secretary of State under

WCM011A

11

1 paragraph (1)(A), including each determination in effect on  
2 the date of the enactment of the Antiterrorism and Arms  
3 Export Amendments Act of 1987, shall be published in the  
4 Federal Register.

5 `` (5) A determination made by the Secretary of State  
6 under paragraph (1)(A) may not be rescinded unless the  
7 President, at least 90 days before the proposed rescission  
8 would take effect, submits to the Speaker of the House of  
9 Representatives and the chairman of the Committee on Banking,  
10 Housing, and Urban Affairs and the chairman of the Committee  
11 on Foreign Relations of the Senate a report justifying the  
12 rescission and certifying that--

13 `` (A) the government concerned has not provided any  
14 support for international terrorism, including support or  
15 sanctuary for any major terrorist or terrorist group,  
16 during the preceding 6-month period; and

17 `` (B) the government concerned has provided  
18 assurances that it will not support acts of international  
19 terrorism in the future.''.  
20

21 **SEC. 5. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING  
INTERNATIONAL TERRORISM.**

22 Section 620A of the Foreign Assistance Act of 1961 (22  
23 U.S.C. 2371) is amended to read as follows:

24 `` **SEC. 620A. PROHIBITION ON ASSISTANCE TO GOVERNMENTS  
25 SUPPORTING INTERNATIONAL TERRORISM.**

WCM011A

12

1       ``(a) PROHIBITION.--The United States shall not provide  
2 any assistance under this Act, the Agricultural Trade  
3 Development and Assistance Act of 1954, the Peace Corps Act,  
4 or the Export-Import Bank Act to any country whose government  
5 the Secretary of State determines--

6           ``(1) grants sanctuary from prosecution to any  
7 individual or group which has committed an act of  
8 international terrorism; or

9           ``(2) has repeatedly provided support for acts of  
10 international terrorism.

11       ``(b) PUBLICATION OF DETERMINATIONS.--Each determination  
12 of the Secretary of State under subsection (a), including  
13 each determination in effect on the date of the enactment of  
14 the Antiterrorism and Arms Export Amendments Act of 1987,  
15 shall be published in the Federal Register.

16       ``(c) RESCISSION.--A determination made by the Secretary  
17 of State under subsection (a) may not be rescinded unless the  
18 President, at least 90 days before the proposed rescission  
19 would take effect, submits to the Speaker of the House of  
20 Representatives and the chairman of the Committee on Foreign  
21 Relations of the Senate a report justifying the rescission  
22 and certifying that--

23           ``(1) the government concerned has not provided any  
24 support for international terrorism, including support or  
25 sanctuary for any major terrorist or terrorist group,

WCM011A

13

1 during the preceding 6-month period; and

2       ``(2) the government concerned has provided  
3 assurances that it will not support acts of international  
4 terrorism in the future.

5       ``(d) WAIVER.--Assistance prohibited by subsection (a)  
6 may be provided to a country described in that subsection  
7 if--

8       ``(1) the President determines that national security  
9 interests or humanitarian reasons justify a waiver of  
10 subsection (a), except that humanitarian reasons may not  
11 be used to justify assistance under part II of this Act  
12 (including chapter 4, chapter 6, and chapter 8), or the  
13 Export-Import Bank Act; and

14       ``(2) at least 15 days before the waiver takes  
15 effect, the President consults with the Committee on  
16 Foreign Affairs of the House of Representatives and the  
17 Committee on Foreign Relations of the Senate regarding  
18 the proposed waiver and submits a report to the Speaker  
19 of the House of Representatives and the chairman of the  
20 Committee on Foreign Relations of the Senate containing--

21       ``(A) the name of the recipient country;

22       ``(B) a description of the national security  
23 interests or humanitarian reasons which require the  
24 waiver;

25       ``(C) the type and amount of and the

WCM011A

14

1           justification for the assistance to be provided  
2           pursuant to the waiver; and  
3           ``(D) the period of time during which such waiver  
4           will be effective.

5   The waiver authority granted in this subsection may not be  
6   used to provide any assistance under the Foreign Assistance  
7   Act of 1961 which is also prohibited by section 40 of the  
8   Arms Export Control Act.''.

9   SEC. 6. NOTICE TO CONGRESS OF THIRD COUNTRY TRANSFERS.

10   (a) ITEMS SOLD UNDER FMS PROGRAM.--The last sentence of  
11   section 3(a) of the Arms Export Control Act (22 U.S.C.  
12   2753(a)) is amended to read as follows: ``In those instances  
13   where a certification from the President is not required  
14   pursuant to subsection (d), the President shall, before  
15   granting any consent under paragraph (2) of this subsection,  
16   submit a report with respect to such consent to the Speaker  
17   of the House of Representatives and to the chairman of the  
18   Committee on Foreign Relations of the Senate (such report to  
19   be submitted at least 15 days before the effective date of  
20   the consent unless the President certifies in his report that  
21   an emergency exists which requires that consent become  
22   effective immediately in the national security interests of  
23   the United States) and shall notify the Congress in writing  
24   of any developments which alter or supplement the information  
25   provided in such report.''.

WCM011A

15

## 1 (b) ITEMS EXPORTED PURSUANT TO A MUNITIONS

2 LICENSE.--Section 38 of that Act (22 U.S.C. 2778) is amended  
3 by adding at the end the following:

4 `` (g) In those instances where a report from the  
5 President is not required pursuant to section 3(d)(3), the  
6 President--

7 `` (1) before granting any consent to a transfer of  
8 any defense article or defense service, the export of  
9 which has been licensed or approved under this section,  
10 shall submit a report with respect to such consent to the  
11 Speaker of the House of Representatives and to the  
12 chairman of the Committee on Foreign Relations of the  
13 Senate (such report to be submitted at least 15 days  
14 before the effective date of the consent unless the  
15 President certifies in his report that an emergency  
16 exists which requires that consent become effective  
17 immediately in the national security interests of the  
18 United States); and

19 `` (2) shall notify the Congress in writing of any  
20 developments which alter or supplement the information  
21 provided in such report.''.

22 (c) ITEMS PROVIDED UNDER MAP PROGRAM.--Section 505 of  
23 the Foreign Assistance Act of 1961 (22 U.S.C. 2314) is  
24 amended by adding at the end the following:

25 `` (h) The President shall, before granting any



WCM011A

16

1 consent under subsection (a)(1)(B), submit a report with  
2 respect to such consent to the Speaker of the House of  
3 Representatives and to the chairman of the Committee on  
4 Foreign Relations of the Senate and shall notify the  
5 Congress in writing of any developments which alter or  
6 supplement the information provided in such report. The  
7 report required by this subsection shall be submitted at  
8 least 15 days before the effective date of the consent  
9 unless the President certifies in his report that an  
10 emergency exists which requires that consent become  
11 effective immediately in the national security interests  
12 of the United States.''.

13 **SEC. 7. DOD TRANSFERS TO OTHER AGENCIES.**

14 (a) **QUARTERLY REPORTS.**--Section 36 (a) of the Arms Export  
15 Control Act (22 U.S.C. 2776(a)) is amended--

16 (1) by striking out ``and'' at the end of paragraph  
17 (9);

18 (2) by striking out the period at the end of  
19 paragraph (10) and inserting in lieu thereof ``; and'';  
20 and

21 (3) by inserting after paragraph (9) the following:

22 `` (10) a listing of all defense articles or defense  
23 services which were sold, leased, or otherwise  
24 transferred by the Department of Defense to any other  
25 Government department, agency, or other entity during the

WCM011A

17

1 quarter for which such report is submitted (including the  
2 name of the recipient Government entity and a discussion  
3 of what that entity will do with those defense articles  
4 or defense services) if--

5 `` (A) the value of the defense articles or  
6 defense services was \$250,000 or more; or

7 `` (B) the value of all defense articles and  
8 defense services transferred to that Government  
9 department, agency, or other entity during that  
10 quarter was \$250,000 or more;

11 excluding defense articles and defense services  
12 transferred for disposition or use solely within the  
13 United States.'`.

14 (b) CLASSIFICATION OF REPORTS.--That section is amended  
15 in the parenthetical clause in the text preceding paragraph  
16 (1) by inserting `` , and any information provided under  
17 paragraph (10) of this subsection may also be provided in a  
18 classified addendum`` after `` (b)(1) of this section``.

19 SEC. 8. NOTICE TO CONGRESS OF CERTAIN ARMS TRANSFERS.

20 Section 36 of the Arms Export Control Act (22 U.S.C.  
21 2776) is amended by adding at the end the following:

22 `` (e) The United States Government may not, under the  
23 authority of this or any other Act, transfer or assist in the  
24 transfer of any munitions item (as defined in section 40(j))  
25 directly or indirectly to any foreign government, any foreign

WCM011A

18

1 group or person, or any other person outside the United  
2 States Government pursuant to a Presidential finding under  
3 section 662 of the Foreign Assistance Act of 1961 unless the  
4 President notifies the chairman and ranking minority member  
5 of the Committee on Foreign Affairs of the House of  
6 Representatives and the chairman and ranking minority member  
7 of the Committee on Foreign Relations of the Senate of such  
8 transfer. Such notification shall be provided--

9       ``(1) before the United States Government transfers,  
10       or begins to assist in the transfer of, the munitions  
11       item, or

12       ``(2) in extraordinary circumstances affecting the  
13       vital interests of the United States where time is of the  
14       essence, not more than 48 hours after the United States  
15       Government transfers, or begins to assist in the transfer  
16       of, the munitions item.''.  
17

17 **SEC. 9. SPECIAL AUTHORITIES.**

18       The second sentence of section 614(c) of the Foreign  
19 Assistance Act of 1961 (22 U.S.C. 2364(c)) is amended to read  
20 as follows: ``The President shall fully inform the chairman  
21 and ranking minority member of the Committee on Foreign  
22 Affairs of the House of Representatives and the chairman and  
23 ranking minority member of the Committee on Foreign Relations  
24 of the Senate of each use of funds under this subsection  
25 prior to the use of such funds.''.  
26

WCM011A

19

1 SEC. 10. HOSTAGE ACT.

2 Section 2001 of the Revised Statutes of the United States  
3 (22 U.S.C. 1732) is amended by inserting ``and not otherwise  
4 prohibited by law'' after ``acts of war''.

MILLCA447

HLC

100TH CONGRESS  
1ST SESSION

H. R. \_\_\_\_\_

IN THE HOUSE OF REPRESENTATIVES

Mr. MILLER of California introduced the following bill; which was referred to the Committee on \_\_\_\_\_

A BILL

To amend the Arms Export Control Act to impose certain requirements with respect to the issuance of export licenses for commercial arms sales.

1       *Be it enacted by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*

MILLCA447

2

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the ``Arms Export Control  
3 Amendments Act of 1987``.

4 SEC. 2. PROCEDURES AND RESTRICTIONS.

5 (a) PROCEDURES.--Section 38(b) of the Arms Export Control  
6 Act (22 U.S.C. 2778(b)) is amended by adding at the end the  
7 following:

8 ``(3) In exercising the authorities conferred by this  
9 section, the President shall ensure that a standard operating  
10 manual is developed and maintained which sets forth the  
11 procedures that shall be followed by officers and employees  
12 of the Government with respect to the issuance of licenses  
13 under this section. Such procedures shall include the  
14 following:

15 ``(A) Background checks on all applicants for an  
16 export license, before the license is approved.

17 ``(B) End-use checks on all applications for an  
18 export license, before the license is approved.

19 ``(C) Verification of delivery of the exported items  
20 to the person and place indicated on the license  
21 application.

22 In addition, the President shall ensure that an updated list  
23 of all persons ineligible to be issued export licenses under  
24 this section is maintained. Any person applying for an export  
25 license under this section shall be required to report with

MILLCA447

3

1 the application all commissions and fees being charged,  
2 directly or indirectly, by any person in connection with the  
3 export transaction, including any intermediary.''.  
4

5 (b) PERSONS INELIGIBLE FOR LICENSES.--Section 38 of the  
6 Arms Export Control Act is amended by inserting after  
7 subsection (c) the following:

8 ''(d)(1) Any person who is convicted of a violation of  
9 this section, section 39, or any criminal offense under any  
10 Federal, State, or local law, or under the laws of any other  
11 country, which involves--

12 ''(A) the use of a gun or other weapon,

13 ''(B) an act of terrorism or torture,

14 ''(C) the shipment or transfer of weapons, or

15 ''(D) physical injury to or death of any individual,

16 may not be issued a license under this section and may not be  
17 approved for participation in any export transaction with  
18 respect to which a license is issued under this section, and  
19 any license issued under this section which is held by such a  
20 person shall be revoked.

21 ''(2) Any person who is convicted of a violation of any  
22 criminal offense under any Federal, State, or local law, or  
23 under the laws of any other country, other than a criminal  
24 offense described in paragraph (1), may be denied a license  
25 under this section or denied approval for participation in  
any export transaction with respect to which a license is

MILLCA447

4

1 issued under this section, and any license issued under this  
2 section which is held by such a person may be revoked.

3 `` (3) Any person who--

4 `` (A) is a member of or supports the criminal  
5 activities of any terrorist organization, or

6 `` (B) is engaged in, has an interest in, or is an  
7 enterprise that derives significant income from a pattern  
8 of racketeering activity,

9 may not be issued a license under this section and may not be  
10 approved for participation in any export transaction with  
11 respect to which a license is issued under this section, and  
12 any license issued under this section which is held by such a  
13 person shall be revoked. As used in subparagraph (B), the  
14 terms `enterprise' and `racketeering activity' have the  
15 meanings given those terms in section 1961 of title 18,  
16 United States Code.'`.